Kansas Permit No.: M-KS31-0003

Federal Permit No.: KS0099031

KANSAS WATER POLLUTION CONTROL PERMIT AND AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Pursuant to the Provisions of Kansas Statutes Annotated 65-164 and 65-165, the Federal Water Pollution Control Act as amended, (33 U.S.C. 1251 et seq; the "Act"),

Owner: Lawrence, City of
P.O. Box 708
Lawrence, KS 66044

DRAFT

Facility Name: Lawrence Wakarusa River Wastewater Treatment Facility

Facility Location: SE¼, SE¼, SW¼, Section 16, Township 13S, Range 20E
Douglas County, Kansas

Receiving Stream & Basin: Wakarusa River
Kansas River Basin

is authorized to discharge from the waste treatment facility described herein, in accordance with effluent limits and monitoring requirements as set forth herein.

This permit is effective _____, supersedes the previously issued water pollution control permit M-KS31-0003, and expires _____.

FACILITY DESCRIPTION:

1. Headworks Including Perforated Plate Fine Screens and Vortex Grit Removal
2. 5.0 MG Peak Flow Equalization Basin
3. Complete Mix Aeration BNR Activated Sludge Process
4. Final Clarifiers
5. Ultraviolet Disinfection of Effluent
6. Effluent Re-aeration Outfall Structure
7. Liquid Sludge Land Application

Phased Construction & Operations
Phase 1 - One Train*
Dry Weather Design Flow = 2.5 MGD
Peak Daily Flow = 7.5 MGD through the BNR Process
Phase 2 - Two Trains*
Dry Weather Design Flow = 5.0 MGD
Peak Daily Flow = 15.0 MGD through the BNR Process
Phase 3 - Two trains plus additional auxiliary equipment*
Dry Weather Design Flow = 7.0 MGD
Peak Daily Flow = 21.0 MGD through the BNR Process

_____
Secretary, Kansas Department of Health and Environment

_____
Date

*Each train consists of a pre-anoxic zone, anaerobic zone, anoxic zone, and an oxic zone. Phase 3 may include additional clarifiers and sludge digestion equipment.

A. EFFLUENT LIMITS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in this permit. The effluent limits shall become effective on the dates specified herein. Such discharges shall be controlled, limited, and monitored by the permittee as specified. There shall be no discharge of floating solids or visible foam in other than trace amounts.

Monitoring reports shall be submitted on or before the 28th day of the following month. In the event no discharge occurs, written notification is still required.

	EFFLUENT LIMITS	MONITORING REQUIREMENTS	
Effective Date	Final Limits (based on Phase 3)		
Parameter	Upon Issuance	Measurement Frequency	Sample Type
Monitoring Location 001AG (EDMR code: INF001AG) - Influent to the Treatment Plant			
Biochemical Oxygen Demand (5-Day)-mg/l	Monitor	Once Weekly	24-Hour Composite
Total Suspended Solids-mg/l	Monitor	Once Weekly	24-Hour Composite
Total Phosphorus (as P)-mg/l	Monitor	Once Weekly	24-Hour Composite
Total Kjeldahl Nitrogen (as N)-mg/l	Monitor	Once Weekly	24-Hour Composite
Monitoring Location 001ZG (EDMR code: INF001ZG) - Influent Flow to the Treatment Plant			
Influent Flow - MGD	Monitor	Daily	Meter
Outfall 001A1 (EDMR code: EFF001A1)- Effluent at composite sampler			
Biochemical Oxygen Demand (5-Day)*		Once Weekly	24-Hour Composite
December, January, and February			
Weekly Average-mg/l	40		
Monthly Average-mg/l	25		
March through November			
Weekly Average-mg/l	30		
Monthly Average-mg/l	20		
Total Suspended Solids*		Once Weekly	24-Hour Composite
Weekly Average-mg/l	45		
Monthly Average-mg/l	30		
Ammonia (as N)-mg/l		Once Weekly	24-Hour Composite
January - February and December			
Daily Maximum-mg/l	8.5		
Monthly Average-mg/l	4.3		
March and April			
Daily Maximum-mg/l	8.5		
Monthly Average-mg/l	2.6		
May			
Daily Maximum-mg/l	8.5		
Monthly Average-mg/l	2.2		
June			
Daily Maximum-mg/l	8.5		
Monthly Average-mg/l	1.8		

A. EFFLUENT LIMITS AND MONITORING REQUIREMENTS (continued)

July and August			
Daily Maximum-mg/l	8.5		
Monthly Average-mg/l	1.2		
September			
Daily Maximum-mg/l	8.5		
Monthly Average-mg/l	1.5		
October			
Daily Maximum-mg/l	8.5		
Monthly Average-mg/l	2.4		
November			
Daily Maximum-mg/l	8.5		
Monthly Average-mg/l	3.7		
pH - Standard Units	6.0-9.0	Once Weekly	Grab
E-coli - Colonies/100ml		Once Weekly	Grab
April 1 through October 31			
Weekly Geometric Average	4,348		
Monthly Geometric Average	262		
November 1 through March 31			
Monthly Geometric Average	2,358		
Total Phosphorus (as P)-mg/l	Monitor	Once Weekly	24-Hour Composite
Total Phosphorus (as P)-lbs/day	Calculate	Once Weekly	Calculate
Total Kjeldahl Nitrogen (as N) - mg/l**	Monitor	Once Weekly	24-Hour Composite
Nitrate + Nitrite (as N) - mg/l**	Monitor	Once Weekly	24-Hour Composite
Total Nitrogen (as N)-mg/l** (TKN + NO3 + NO2)	Calculate	Once Weekly	Calculate
Total Nitrogen (as N)-lbs/day	Calculate	Once Weekly	Calculate
Whole Effluent Toxicity - See Supplemental Conditions G.1.			
Priority Pollutant Scan - See Supplemental Conditions G.2.			
Flow - MGD	Monitor	Daily	Meter

TMDL Calculation 001T1 (EDMR code: TMDL001T1) - TMDL Parameters at Effluent

Total Phosphorus (as P) - Annual Average		Once Monthly	Calculate
Annual Daily Average Concentration -mg/l	***		
Annual Daily Mass - lbs/day	Calculate		
Total Nitrogen (as N) - Annual Average		Once Monthly	Calculate
Annual Daily Average Concentration - mg/l	***		
Annual Daily Mass - lbs/day	Calculate		

Peak Flow Equalization Basin Effluent

Discharges from the Peak Flow Equalization Basin shall be controlled by and reported under the bypass provisions of Standard Conditions, Paragraphs 9 and 10 - Incident Reporting.

A. EFFLUENT LIMITS AND MONITORING REQUIREMENTS (continued)

* Minimum removal of 85% required for Biochemical Oxygen Demand (5-Day) and Total Suspended Solids.

** Permittee shall sample for these tests on the same day and calculate the total nitrogen only when both test values are available. The Minimum Reportable Limit (MRL) for TKN and for nitrate + nitrite is 0.1 mg/l. Values less than the MRL shall be reported using the less than sign (<) with the MRL value but for purposes of calculating and reporting the total nitrogen result, less than values shall be defaulted to zero and the sum shall be reported without the less than sign.

*** See Schedule of Compliance - Nutrient Requirements.

B. STANDARD CONDITIONS

In addition to the specified conditions stated herein, the permittee shall comply with the attached Standard Conditions dated August 1, 2010.

C. SCHEDULE OF COMPLIANCE

Biota Study

The permittee shall conduct studies on the effects of the discharges from this facility on the quality and quantity of biota of the receiving stream downstream of Outfall 001. The study results shall be provided to KDHE within three months of completion of the study. The type, timing, conditions, and contents of the study shall be discussed and approved by KDHE prior to initiation of the study.

1. Pre-Plant Startup Study Timing: Conduct the study at least six months prior to start of facility construction.
2. Post-Plant Startup Study Timing: After 2 years but before 3 years after substantial completion of this facility.

Nutrient Requirements

This facility is being designed and constructed to provide nutrient reduction. KDHE has determined that either of the two nutrient concentration limits provided below will satisfy the TMDL requirement for nutrient reduction. Upon plant startup, the permittee shall operate to meet either of these requirements. After one year of operation, the permittee shall choose to meet one of the following nutrient reduction requirements as a 12-month rolling average daily concentration calculated monthly. The permittee shall meet the nutrient requirement effective after two years of operations.

Nutrient Requirement	1	2
Total Nitrogen (as N) - mg/l	10.0	8.0
Total Phosphorus (as P) - mg/l	1.0	1.5

D. SLUDGE DISPOSAL

Sludge disposal shall be in accordance with the 40 CFR Part 503 Sludge Regulations.

E. PRETREATMENT PROGRAM

The permittee shall implement and administer the pretreatment program as approved by the Kansas Department of Health and Environment (KDHE) or the Environmental Protection Agency, in accordance with the General Pretreatment Regulations, 40 CFR Part 403.

F. SUPPLEMENTAL INFORMATION

1. Permittee is not required to submit Discharge Monitoring Reports until the plant initiates operation.

2. On June 5, 2012, EPA published its *Integrated Municipal Stormwater and Wastewater Planning Approach Framework* ("Framework"). The stated purpose of the Framework is to *"assist municipalities on their critical paths to achieving the human health and water quality objectives of the Clean Water Act by identifying efficiencies in implementing requirements that arise from distinct wastewater and stormwater programs, including how to best prioritize capital investments."*

   The city of Lawrence, Kansas has completed a *Wastewater Facility Master Plan* ("Plan") looking at future wastewater needs, prioritizing the needs, and projecting the cost for funding the needed system-wide improvements. The Plan contains all components required in the Framework and was adopted as the initial Integrated Plan and the core document for future modifications. A portion of the city's capacity, management, operation and maintenance program is addressed in the Plan. Furthermore, the Plan contains an inflow and infiltration reduction program which prioritizes site-specific work to correct sanitary sewer overflow deficiencies. An annual progress report is required. The Kansas Department of Health and Environment (KDHE) technical and legal staff have reviewed and approved the Plan.

   KDHE and the city of Lawrence, Kansas (collectively, the "Parties") have entered into a Memorandum of Understanding (MOU) to acknowledge and agree upon an Integrated Municipal Stormwater and Wastewater Planning document for wastewater and stormwater system improvements with implementation timelines. Administration of the document between the two Parties will be pursuant to the terms of the MOU.

   In addition to the Plan, the city of Lawrence, Kansas produces a *Utilities Field Operations Annual Report*. This annual report provides supplementary updates related to the city's capacity, management, operation and maintenance program. The city of Lawrence, Kansas also utilizes various information management resources.

G. SUPPLEMENTAL CONDITIONS

1. Whole Effluent Toxicity:

   a. Chronic Whole Effluent Toxicity (WET) testing on a 24-hr composite sample of the effluent shall be conducted once six months after substantial completion of the facility, and annually thereafter. The 25% Inhibition Concentration, IC25, shall be equal to or greater than 92% effluent. Test results less than 92% are violations of this permit. The test procedures shall use the seven day static renewal test method in accordance with the EPA document, Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, fourth edition, October 2002 using test organisms *Pimephales promelas* (fathead minnow) and *Ceriodaphnia dubia* (water flea) within a dilution series containing 0%, 25%, 50%, 75%, 92%, and 100% effluent. KDHE reserves the right to increase or decrease testing frequency based upon compliance history and toxicity testing results.

   b. If the WET test results indicate the IC25 is equal to or greater than 92% effluent, the effluent has passed the toxicity test and a copy of the test report shall be due with the next scheduled Discharge Monitoring Report.

c. If the WET test results indicate the IC25 is less than 92% effluent, the effluent has failed the toxicity test and the permittee shall immediately notify KDHE by telephone at 785.296.5517 and submit to KDHE a copy of the test report within five days of receipt of the information. KDHE reserves the right to require the permittee to take such actions as are reasonable to identify and remedy any identified or predicted toxic conditions in the receiving stream outside of the mixing zone which is caused by the permittee's effluent.

d. Permittee shall also test a portion of one of same effluent samples used for the WET test for the following parameters (required minimum reportable detection levels are in parenthesis):

Antimony (10 µg/L)*	Nickel (10 µg/L)*
Arsenic (10 µg/L)*	Selenium (5 µg/L)*
Beryllium (5 µg/L)*	Silver (2 µg/L)*
Cadmium (2 µg/L)*	Thallium (10 µg/L)*
Chromium (10 µg/L)*	Zinc (20 µg/L)*
Copper (10 µg/L)*	Total Hardness as CaCO3 mg/l
Lead (5 µg/L)*	
Mercury (0.2 µg/L-Cold Vapor Method)	

* Parameter shall be tested and reported as total recoverable metals.

e. The permittee shall coordinate sampling for this test with other requirements of this permit. The permittee shall use a laboratory approved by KDHE for Whole Effluent Toxicity testing.

2. Priority Pollutant Scan

Permittee shall conduct a Priority Pollutant Scan on the effluent for the parameters listed in Table I: Priority Pollutant Scan on the following pages. The Priority Pollutant Scan shall be conducted between July 1, 2018 and December 31, 2018 and the result shall be reported with the next Discharge Monitoring Report following receipt of the results but no later than March 28, 2019.

Sample type shall be 24-hour composite except for Volatile Organic Compounds which shall be a grab sample.

See Supplemental Condition G.1.d. for minimum detection limits for certain metals in the Priority Pollutant Scan.

Table I: Priority Pollutant Scan

Metals
- Total Recoverable Arsenic, ug/l
- Total Recoverable Beryllium, ug/l
- Total Recoverable Cadmium, ug/l
- Total Recoverable Chromium, ug/l
- Total Recoverable Copper, ug/l
- Total Recoverable Lead, ug/l
- Mercury (Cold Vapor Method), ug/l
- Total Recoverable Molybdenum, ug/l
- Total Recoverable Potassium, ug/l
- Total Recoverable Nickel, ug/l
- Total Recoverable Selenium, ug/l
- Total Recoverable Silver, ug/l
- Total Recoverable Thallium, ug/l
- Total Recoverable Zinc, ug/l

Pesticides
- Aldrin
- Alpha-BHC
- Beta-BHC
- Gamma-BHC
- Delta-BHC
- Chlordane
- 4,4-DDT
- 4,4-DDD
- 4,4-DDE
- Dieldrin
- Alpha-endosulfan
- Beta-endosulfan
- Endosulfan sulfate
- Endrin
- Endrin aldehyde
- Heptachlor
- Heptachlor epoxide
- Toxaphene
- Malathion
- Diazinon

Polychlorinated Biphenyls
- PCB-1242
- PCB-1254
- PCB-1221
- PCB-1232
- PCB-1248
- PCB-1260
- PCB-1016

Base/Neutral
- Acenaphthene
- Acenaphthylene
- Anthracene
- Benzidine
- Benzo(a) anthracene
- Benzo(a)pyrene
- 3,4-benzofluoranthene
- Benzo (ghi) perylene
- Benzo (b) fluoranthene
- Bis(2-chloroethoxy)methane
- Bis(2-chloroethyl)ether
- Bis(2-ethylhexyl)phthalate
- Bis(2-chloroisopropyl) ether
- 1,2-diphenylhydrazine
- Fluoranthene
- Fluorene
- Nitrobenzene
- N-nitrosodimethylamine
- N-nitrosodi-n-propylamine
- N-nitrosodiphenylamine
- Phenanthrene
- Pyrene
- 1,2,4-trichlorobenzene
- 4-bromophenyl phenyl ether
- Butyl benzyl phthalate
- 2-chloronaphthalene
- 4-chlorophenyl phenyl ether
- Chrysene
- Dibenzo(a,h) anthracene
- 1,2-dichlorobenzene
- 1,3-dichlorobenzene
- 1,4-dichlorobenzene
- 3,3-dichlorobenzidine
- Dimethyl phthalate
- Diethyl phthalate
- Di-n-butyl phthalate
- 2,4-dinitrotoluene
- 2,6-dinitrotoluene
- Di-n-octyl phthalate
- Hexachlorobenzene
- Hexachlorobutadiene
- Hexachlorocyclopentadiene
- Hexachloroethane
- Indeno (1,2,3-cd) pyrene
- Naphthalene
- Isophorone

Table I: Priority Pollutant Scan (Continued)

Acid Compounds
- 2-chlorophenol
- 2,4-dichlorophenol
- 2,4-dimethylphenol
- 2,4-dinitrophenol
- 2-nitrophenol
- 4-nitrophenol
- Parachlorometa cresol
- Pentachlorophenol
- Phenol
- 4,6-dinitro-o-cresol
- 2,4,6-trichlorophenol

Volatile Organic Compounds
- Acrolein
- Acrylonitrile
- Benzene
- Bromoform
- Carbon Tetrachloride
- Chlorobenzene
- Chlorodibromomethane
- Chloroethane
- 2-chloroethylvinyl ether
- Chloroform
- Dichlorobromomethane
- 1,1-dichloroethane
- 1,2-dichloroethane
- 1,1-dichloroethylene
- 1,2-dichloropropane
- 1,3-dichloropropylene
- Ethylbenzene
- Methyl bromide
- Methyl chloride
- Methylene chloride
- 1,1,2,2-tetrachloroethane
- Tetrachloroethylene
- Toluene
- 1,2 trans-dichloroethylene
- 1,1,1-trichloroethane
- 1,1,2-trichloroethane
- Trichloroethylene
- Vinyl chloride

Miscellaneous
- Total Cyanide *
- Total Phenols

* The total cyanide analysis must include preliminary treatment of the sample to avoid NO_2^- interference. Addition of sulfamic acid to the sample before distillation can prevent such interference. See Standard Methods for the Examination of Water and Wastewater, 20th Edition, 4500-CN- B. Preliminary Treatment of Samples.

1. Representative Sampling and Discharge Monitoring Report Submittals:

A. Samples and measurements taken as required herein shall be representative of the quality and quantity of the monitored discharge. Test results shall be recorded for the day the samples were taken. If sampling for a parameter was conducted across more than one calendar day, the test results may be recorded for the day sampling was started or ended. All samples shall be taken at the locations designated in this permit, and unless specified, at the outfall/monitoring location(s) before the wastewater joins or is diluted by any other water or substance.

B. Monitoring results shall be recorded and reported on forms acceptable to the Division and postmarked no later than the 28th day of the month following the completed reporting period. Signed and certified copies of these, prepared in accordance with KAR 28-16-59, and all other reports required herein, may be FAXed to 785.296.0086, e-mailed as scanned attachments to dmr4kdhe@kdheks.gov , or sent by U.S. mail to:

Kansas Department of Health & Environment
Bureau of Water-Technical Services Section
1000 SW Jackson Street, Suite 420
Topeka, KS 66612-1367

2. Definitions:

A. Unless otherwise specifically defined in this permit, the following definitions apply:

1. The "Daily Maximum" is the total discharge by weight or average concentration, measurement taken, or value calculated during a 24-hour period. The parameter, pH, is limited as a range between and including the values shown.

2. The "Weekly Average" is the arithmetic mean of the value of test results from samples collected, measurements taken or values calculated during four monitoring periods in each month consisting of calendar days 1-7, 8-14, 15-21 and 22 through the end of the month.

3. The "Monthly Average", other than for E. coli bacteria, is the arithmetic mean of the value of test results from samples collected, measurements taken or values calculated during a calendar month. The monthly average is determined by the summation of all calculated values or measured test results divided by the number of calculated values or test results reported for that parameter during the calendar month. The monthly average for E. coli bacteria is the geometric average of the value of the test results from samples collected in a calendar month. The geometric average can be calculated by using a scientific calculator to multiply all the E. coli test results together and then taking the nth root of the product where n is the number of test results. Non-detect values shall be reported using the less than symbol (<) and the minimum detection or reportable value. To calculate average values, non-detects shall be defaulted to zero (or one for geometric averages). Greater than values shall be reported using the greater than symbol (>) and the reported value. To calculate average values, the greater than reported value shall be used in the averaging calculation.

B. A "grab sample" is an individual sample collected in less than 15 minutes. A "composite sample" is a combination of individual samples in which the volume of each individual sample is proportional to the flow, or the sample frequency is proportioned to the flow rate over the sample period, or the sample frequency is proportional to time.

C. The terms "Director", "Division", and "Department" refer to the Director, Division of Environment, Kansas Department of Health and Environment, respectively.

D. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of an in-plant diversion. Severe property damage does not mean economic loss caused by delays in production.

E. "Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.

3. Schedule of Compliance: No later than 14 calendar days following each date identified in the "Schedule of Compliance," the permittee shall submit via mail, e-mail or fax per paragraph 1.B above, either a report of progress or, in the case of specific action being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements, or, if there are no more scheduled requirements, when such noncompliance will be corrected.

4. Test Procedures: All analyses required by this permit shall conform to the requirements of 40 CFR Part 136, unless otherwise specified, and shall be conducted in a laboratory accredited by the Department. For each measurement or sample, the permittee shall record the exact place, date, and time of measuring/sampling; the date and time of the analyses, the analytical techniques or methods used, minimum detection or reportable level, and the individual(s) who performed the measuring/sampling and analysis and, the results. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved procedures, the results shall be included in the Discharge Monitoring Report form required in 1.B. above. Such increased frequencies shall also be indicated.

5. Change in Discharge: All discharges authorized herein shall be consistent with the permit requirements. The discharge of any pollutant not authorized by this permit or of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of this permit. Any anticipated facility expansions, production or flow increases, or production or wastewater treatment system modifications which result in a new, different, or increased discharge of pollutants shall be reported to the Division at least one hundred eighty (180) days before such change.

6. Facilities Operation: The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the requirements of this permit and Kansas and Federal law. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the requirements of this permit. The permittee shall take all necessary steps to minimize or prevent any adverse impact to human health or the environment resulting from noncompliance with any effluent limits specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. When necessary to maintain compliance with the permit requirements, the permittee shall halt or reduce those activities under its control which generate wastewater routed to this facility.

7. Incidents:

   "Collection System Diversion" means the diversion of wastewater from any portion of the collection system.

   "In-Plant Diversion" means routing the wastewater around any treatment unit in the treatment facility through which it would normally flow.

   "In-Plant Flow Through" means an incident in which the wastewater continues to be routed through the equipment even though full treatment is not being accomplished because of equipment failure for any reason.

   "Spill" means any discharge of wastewater, sludge or other materials from the treatment facility other than effluent or as more specifically described by other "Incidents" terms.

   "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance or anticipated noncompliance with permit effluent limits because of factors beyond the reasonable control of the permittee, as described by 40 C.F.R. 122.41(n).

8. Diversions not Exceeding Limits: The permittee may allow any diversion to occur which does not cause effluent limits to be exceeded, but only if it also is for essential maintenance to assure efficient operation. Such diversions are not subject to the Incident Reporting requirements shown below.

9. Prohibition of an In-Plant Diversion: Any in-plant diversion from facilities necessary to maintain compliance with this permit is prohibited, except: (a) where the in-plant diversion was unavoidable to prevent loss of life, personal injury, or severe property damage; (b) where there were no feasible alternatives to the in-plant diversion, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime and (c) the permittee submitted a notice as required in the Incident Reporting paragraph below. The Director may approve an anticipated in-plant diversion, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above.

10. Incident Reporting: The permittee shall report any unanticipated collection system diversion, in-plant diversion, in-plant flow through occurrences, spill, upset or any violation of a permitted daily maximum limit within 24 hours from the time the permittee became aware of the incident. A written submission shall be provided within 5 days of the time the permittee became aware of the incident. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. An Incident Report form is available at www.kdheks.gov/water/tech.html.

    For an anticipated incident or any planned changes or activities in the permitted facility that may result in noncompliance with the permit requirements, the permittee shall submit written notice, if possible, at least ten days before the date of the event.

    For other noncompliance, the above information shall be provided with the next Discharge Monitoring Report.

11. Removed Substances: Solids, sludges, filter backwash, or other pollutants removed in the course of treatment of water shall be utilized or disposed of in a manner acceptable to the Division.

12. Power Failures: The permittee shall provide an alternative power source sufficient to operate the wastewater control facilities or otherwise control pollution and all discharges upon the loss of the primary source of power to the wastewater control facilities.

13. Right of Entry: The permittee shall allow authorized representatives of the Division of Environment or the Environmental Protection Agency upon the presentation of credentials, to enter upon the permittee's premises where an effluent source is located, or in which are located any records required by this permit, and at reasonable times, to have access to and copy any records required by this permit, to inspect any facilities, monitoring equipment or monitoring method required in this permit, and to sample any influents to, discharges from or materials in the wastewater facilities.

14. Transfer of Ownership: The permittee shall notify the succeeding owner or controlling person of the existence of this permit by certified letter, a copy of which shall be forwarded to the Division. The succeeding owner shall secure a new permit. This permit is not transferable to any person except after notice and approval by the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

15. Records Retention: Unless otherwise specified, all records and information resulting from the monitoring activities required by this permit, including all records of analyses and calibration and maintenance of instruments and recordings from continuous monitoring instruments, shall be retained for a minimum of 3 years, or longer if requested by the Division. Biosolids/sludge records and information are required to be kept for a minimum of 5 years , or longer if requested by the Division. Groundwater monitoring data, including background samples results, shall be kept for the life of the facility regardless of ownership.

16. Availability of Records: Except for data determined to be confidential under 33 USC Section 1318, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential. Knowingly making any false statement on any such report or tampering with equipment to falsify data may result in the imposition of criminal penalties as provided for in 33 USC Section 1319 and KSA 65-170c.

17. Permit Modifications and Terminations: As provided by KAR 28-16-62, after notice and opportunity for a hearing, this permit may be modified, suspended or revoked or terminated in whole or in part during its term for cause as provided, but not limited to those set forth in KAR 28-16-62 and KAR 28-16-28b through g. The permittee shall furnish to the Director, within a reasonable amount of time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish upon request, copies of all records required to be kept by this permit. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

18. Toxic Pollutants: Notwithstanding paragraph 17 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified at such effluent standards) is established under 33 USC Section 1317(a) for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition. Nothing in this permit relieves the permittee from complying with federal toxic effluent standards as promulgated pursuant to 33 USC Section 1317.

19. Administrative, Civil and Criminal Liability: The permittee shall comply with all requirements of this permit. Except as authorized in paragraph 9 above, nothing in this permit shall be construed to relieve the permittee from administrative, civil or criminal penalties for noncompliance as provided for in KSA 65-161 et seq., and 33 USC Section 1319.

20. Oil and Hazardous Substance Liability: Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under 33 USC Section 1321 or KSA 65-164 et seq. A municipal permittee shall promptly notify the Division by telephone upon discovering crude oil or any petroleum derivative in its sewer system or wastewater treatment facilities.

21. Industrial Users: A municipal permittee shall require any industrial user of the treatment works to comply with 33 USC Section 1317, 1318 and any industrial user of storm sewers to comply with 33 USC Section 1308.

22. Property Rights: The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor any infringements of or violation of federal, state or local laws or regulations.

23. Operator Certification: The permittee shall, if required, ensure the wastewater facilities are under the supervision of an operator certified by the Department. If the permittee does not have a certified operator or loses its certified operator, appropriate steps shall be taken to obtain a certified operator as required by KAR 28-16-30 et seq.

24. Severability: The provisions of this permit are severable. If any provision of this permit or any circumstance is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected thereby.

25. Removal from Service: The permittee shall inform the Division at least three months before a pumping station, treatment unit, or any other part of the treatment facility permitted by this permit is to be removed from service and shall make arrangements acceptable to the Division to decommission the facility or part of the facility being removed from service such that the public health and waters of the state are protected.

26. Duty to Reapply: A permit holder wishing to continue any activity regulated by this permit after the expiration date, must apply for a new permit at least 180 days prior to expiration of the permit.